

DONALD J. GREEN, ESQ.  
Nevada Bar No. 1869  
California Bar No. 112495  
4760 South Pecos Road, Suite 103  
Las Vegas, Nevada 89121  
Tel: (702) 388-2047  
Fax: (855) 459-8472  
[CrimeLV7777@aol.com](mailto:CrimeLV7777@aol.com)  
Attorney for Defendant  
**VIRAB TOROSYAN**

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	<b>Case No.: 2:16-CR-0063-APG-PAL</b>
	)	
Plaintiff,	)	
	)	<b><u>STIPULATION FOR EXTENSIONS FOR</u></b>
	)	<b><u>FILING OF MOTIONS, RESPONSES &amp;</u></b>
	)	<b><u>OPTIONAL REPLIES</u></b>
vs.	)	
	)	
VIRAB TOROSYAN,	)	<b>[FOURTH REQUEST AS TO MOTIONS]</b>
	)	
	)	
Defendant.	)	<b>ORDER</b>

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CERTIFICATION: This Stipulation is timely filed.

**IT IS HEREBY STIPULATED AND AGREED,** by and between DANIEL BODGEN, ESQ., United States Attorney, by and through his Assistant United States Attorney, KIMBERLY FRAYN, Esq., counsel for the United States of America; and, DONALD J. GREEN, ESQ. counsel for defendant VIRAB TOROSYAN (hereinafter referred to as Defendant); and respectfully STIPULATE for a further extension of the time for the filing of Pre-Trial Motions, Responses to Pre-Trial Motions, and Optional Replies as stated below.

This Stipulation is entered into for the following reasons:

1. In January 2016 and February 2016, defendant was charged by and arraigned on a Federal Criminal Complaint. Later, defendant

1 was charged on multiple counts in an Indictment issued by the Federal  
2 Grand Jury.

3 2. The defendant pled Not Guilty and the trial is set for  
4 October 17, 2016.

5 3. Defendant is housed at the Nevada Southern Detention  
6 Center in Pahrump, Nevada.

7 4. The defendant speaks Armenian. He only speaks broken  
8 English. Significant reports have been translated into the Armenian  
9 dialect which is understood by defendant. This important translation  
10 process has taken longer than expected.

11 5. Government and defense counsel Green have exchanged  
12 e-mail transmissions and telephone calls regarding this case. The  
13 discovery includes and will likely include thousands of entries of  
14 sensitive material subject to a Protective Order which has been  
15 signed by the United States Magistrate Judge.

16 A. The discovery released prior to July 2016 was comprised of  
17 nearly 4000 pages of documentary discovery, photographs,  
18 DVDs, law enforcement reports regarding a multi-agency  
19 investigation of the defendant and/or others in the States  
20 of California and Nevada, and/or elsewhere.

21 B. In September 2016, the Government released two sets of  
22 discovery:

23 (1) Three (3) 64Gb Flash Drives [One Flash Drive which  
24 contains in part 3147 pages which reference names and  
25 personal information; and the other two Flash Drives  
26 which contain Computer Forensic Analyses, access to  
27 the Internet and other Reports.]  
28

(2) One CD comprised of 3922 numbered files and sub-files; a sub-file containing approximately 88 pages of the names of banks and/or financial institutions throughout the world; a sub-file containing 73 pages naming individuals.

6. Due to the massive amount of discovery, defense counsel still needs additional time within which to review the files and discovery in order to evaluate any potential Pre-Trial Motions and/or Notices of Defense.

7. Defendant has consulted with defense counsel about and has agreed to an extension of time for the filing of Pre-Trial Motions, and/or Notices of Defense.

8. Without this requested extension of time, Government and defense counsel have not had, nor will they have, sufficient time and the opportunity within which to prepare Pre-Trial Motions, and/or Notices of Defense, Responses, and/or an Optional Reply , given the necessity to fully review the extensive files which were released in September 2016.

9. It would be unrealistic to expect the Government and defense counsel to be able to effectively and thoroughly research and prepare any potential Pre-Trial motions, Responses and Optional Reply briefs, and/or Notices of Defense.

10. The Stipulation requests an extension of time within which the Government and the defense may file and serve Pre-Trial Motions, Responses, Optional Replies, and/or Notices of Defense as follows:

**OPENING MOTIONS: NOVEMBER 30, 2016 at 4:00 p.m.**

**RESPONSES: JANUARY 6, 2017 at 4:00 p.m.**

**OPTIONAL REPLIES: JANUARY 11, 2017 at 4:00 p.m.**

11. The requested extensions of time will not affect the current trial date but, if appropriate, a separate Stipulation for Continuance of the Trial Date will be submitted to the Court in accordance with the Local Rules.

12. Additionally, denial of the request for an extension of time for the filing of Pre-trial Motions, Responses, and/or Notices of Defense could result in a miscarriage of justice.

13. For all of the above-stated reasons, the ends of justice would best be served by a granting this **FOURTH** request for an extension of time for the filing of Pre-Trial Motions, Responses, Notices of Defense, and/or Optional Replies.

14. The extensions of time sought by the Stipulation are excludable under the Speedy Trial Act, 18 U.S.C. Section 3161 (h) (8) (a) when considering the factors under 18 U.S.C. Sections 3131 (h) (1), 3161 (h) (8) (b) (I), 3161 (h) (B) (iv), and 3161 (h) (1) (f).

15. This is the **FOURTH** request for an extension of time for the filing of pre-trial motions/ notices of defense, responses thereto, and/or optional replies.

DATED this 18th day of October, 2016.

LAW OFFICES OF DONALD J. GREEN

DANIEL BOGDEN, ESQ.  
UNITED STATES ATTORNEY

By /s/ Donald J. Green

By /s/ Kimberly Frayn  
KIMBERLY FRAYN, ESQ.  
Assistant U.S. Attorney  
501 Las Vegas Blvd., #1100  
Las Vegas, NV 89101  
GOVERNMENT COUNSEL

DONALD J. GREEN, ESQ.  
4760 S. Pecos Rd. #103  
Las Vegas, Nevada 89121  
Attorney for defendant  
VIRAB TOROSYAN

...

...

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...

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA, ) **Case No.: 2:16-CR-0063-APG-PAL**  
 )  
Plaintiff, ) **FINDINGS OF FACT AND**  
 ) **CONCLUSIONS OF LAW &**  
vs. ) **ORDER GRANTING EXTENSION OF**  
 ) **TIME ON PRE-TRIAL MOTIONS,**  
VIRAB TOROSYAN, ) **RESPONSES AND OPTIONAL REPLIES**  
 )  
 )  
Defendant, )  
 )

## FINDINGS OF FACT

Based on the Stipulation of counsel, and good cause appearing therefore, the Court hereby finds:

1. In January 2016 and February 2016, defendant was charged by and arraigned on a Federal Criminal Complaint. Later, defendant was charged on multiple counts in an Indictment issued by the Federal Grand Jury.

2. The defendant has pled Not Guilty and the trial is set for October 17, 2016.

3. Defendant is housed at the Nevada Southern Detention Center in Pahrump, Nevada.

4. The defendant speaks Armenian. He only speaks broken English. Significant reports have been translated into the Armenian dialect which is understood by defendant. The defense informs the Court that this important translation process has taken longer than expected.

5. Government and defense counsel Green have exchanged e-mail transmissions and telephone calls regarding this case. The discovery includes and will likely include thousands of entries of

1 sensitive material subject to a Protective Order which has been  
2 signed by the United States Magistrate Judge.

3 A. The discovery released prior to July 2016 was comprised of  
4 nearly 4000 pages of documentary discovery, photographs,  
5 DVDs, law enforcement reports regarding a multi-agency  
6 investigation of the defendant and/or others in the States  
7 of California and Nevada, and/or elsewhere.

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9 discovery:

10 (1) Three (3) 64Gb Flash Drives [One Flash Drive which  
11 contains in part 3147 pages which reference names and  
12 personal information; and the other two Flash Drives  
13 which contain Computer Forensic Analyses, access to  
14 the Internet and other Reports.]

15 (2) One CD comprised of 3922 numbered files and sub-  
16 files; a sub-file containing approximately 88 pages  
17 of the names of banks and/or financial institutions  
18 throughout the world; a sub-file containing 73 pages  
19 naming individuals.

20 6. Due to the massive amount of discovery, defense counsel  
21 still needs additional time within which to review the files and  
22 discovery in order to evaluate any potential Pre-Trial Motions and/or  
23 Notices of Defense.

24 7. Defendant has consulted with defense counsel about and has  
25 agreed to an extension of time for the filing of Pre-Trial Motions,  
26 and/or Notices of Defense.

27 ...

28 ...

1           8.     Without this requested extension of time, Government and  
2 defense counsel have not had, nor will they have, sufficient time and  
3 the opportunity within which to prepare Pre-Trial Motions, and/or  
4 Notices of Defense, Responses, and/or an Optional Reply, given the  
5 necessity to fully review the extensive files which were released in  
6 September 2016.

7           9.     It would be unrealistic to expect the Government and  
8 defense counsel to be able to effectively and thoroughly research and  
9 prepare any potential Pre-Trial motions, Responses and Optional Reply  
10 briefs, and/or Notices of Defense.

11           10.    The Stipulation requests an extension of time within which  
12 the Government and the defense may file and serve Pre-Trial Motions,  
13 Responses, Optional Replies, and/or Notices of Defense as follows:

14               **OPENING MOTIONS:     NOVEMBER 30, 2016 at 4:00 p.m.**

15               **RESPONSES:           JANUARY 6, 2017 at 4:00 p.m.**

16               **OPTIONAL REPLIES:   JANUARY 11, 2017 at 4:00 p.m.**

17           11.    The requested extension of time will not affect the  
18 currently scheduled trial date but the parties are informing the  
19 Court that a separate Stipulation to Continue the Trial could be  
20 submitted if appropriate.

21           12.    Additionally, denial of the request for an extension of  
22 time for the filing of Pre-trial Motions, Responses, and/or Notices  
23 of Defense could result in a miscarriage of justice.

24           13.    For all of the above-stated reasons, the ends of justice  
25 would best be served by a granting this **FOURTH** request for an  
26 extension of time for the filing of Pre-Trial Motions, Responses,  
27 Notices of Defense, and/or Optional Replies.

1        14. The extensions of time sought by the Stipulation are  
2 excludable under the Speedy Trial Act, 18 U.S.C. Section 3161  
3 (h) (8) (a) when considering the factors under 18 U.S.C. Sections 3131  
4 (h) (1), 3161 (h) (8) (b) (I), 3161 (h) (B) (iv), and 3161 (h) (1) (f).

5        15. This is the **FOURTH** request for an extension of time for  
6 the filing of pre-trial motions, notices of defense and responses  
7 thereto, and/or optional replies.

8  
9 **SPEEDY TRIAL ACT CONSIDERATIONS**

10       16. Additionally, denial of the request for an extension of  
11 time for the filing of Pre-trial Motions/Notices of Defense and/or  
12 responses or answers thereto could result in a miscarriage of  
13 justice.

14       17. For all of the above-stated reasons, the ends of justice  
15 would best be served by a granting this **FOURTH** request for an  
16 extension of time for the filing of Pre-Trial Motions, Notices of  
17 defense, Responses, and/or optional replies.

18       18. The extensions of time sought by the Stipulation are  
19 excludable under the Speedy Trial Act, 18 U.S.C. Section 3161  
20 (h) (8) (a) when considering the factors under 18 U.S.C. Sections 3131  
21 (h) (1), 3161 (h) (8) (b) (I), 3161 (h) (B) (iv), and 3161 (h) (1) (f).

22       19. The requested extension is necessary for the Government and  
23 defense to within which to be able to effectively and thoroughly  
24 prepare Pre-trial Motions, Notices of Defense, Responses, and/or  
25 optional replies, taking into account the exercise of due diligence.

26       20. The defendant is in custody. Defense counsel has informed  
27 the defendants of the necessity for an extension of time for the  
28 filing of pre-trial court papers.



1           21. The Court is informed by defense counsel that defendant  
2 consents to a continuance of the trial and an extension of time for  
3 the filing of Pre-Trial motions, Notices of Defense, Responses,  
4 and/or Optional replies as set forth above.

5           22. The denial of this request for an extension of time would  
6 deny defendant the opportunity to have continuity of counsel, taking  
7 into account the exercise of due diligence.

8           23. Additionally, denial of the request for an extension of  
9 time could result in a miscarriage of justice.

10          24. For all of the above-stated reasons, the ends of justice  
11 would best be served by a granting this **FOURTH** request for an  
12 extension for the filing of Pre-Trial Motions, Notices of Defense,  
13 Responses, and/or Optional Replies.

14          25. The extensions of time sought by the Stipulation are  
15 excludable under the Speedy Trial Act, 18 U.S.C. Section 3161

16 (h) (8) (a) when considering the factors under 18 U.S.C. Sections 3131  
17 (h) (1), 3161 (h) (8) (b) (I), 3161 (h) (B) (iv), and 3161 (h) (1) (f).

18          26. This is the **FOURTH** request for an extension of time for  
19 the filing of Pre-Trial Motions, Responses and Optional Replies  
20 thereto, and/or Notices of Defense and any responses or answers.

21  
22 **CONCLUSIONS OF LAW**

23 Denial of this request for a continuance of the trial could  
24 result in a miscarriage of justice, and the Court hereby concludes:

25          1. The extensions of time sought herein are excludable under  
26 the Speedy Trial Act, 18 U.S.C. § 3161(h) (8) (a), when considering the  
27 factors under 18 U.S.C. §§ 3161 (h) (1), 3161(h) (8) (B) (I),  
28 3161(h) (B) (iv), and 3161 (h) (1) (f).

1           2.     The ends of justice served by granting this **FOURTH** request  
2     for an extension of time for the filing of Pre-Trial Motions, Notices  
3     of Defense, Responses, and/or Optional Replies outweigh the best  
4     interests of the public and the defendant, because the failure to  
5     grant said extension would deny Government and defense counsel  
6     adequate time to research and prepare potential Pre-Trial Motions  
7     and/or responses thereto, including any Notices of Defense and those  
8     accompanying responses or answers, taking into account the exercise  
9     of due diligence, and would deny the government and defendant the  
10    opportunity to have continuity of counsel, taking into account the  
11    exercise of due diligence.

12           3.     Denial of this request for an extension of time for the  
13    filing of Pre-Trial Motions, and Responses and Optional, and/or  
14    Notices of Defense and/or any accompanying responses or answers  
15    thereto would deny the parties an opportunity for effective pre-trial  
16    and trial preparation, taking into account the exercise of due  
17    diligence.

18           4.     Additionally, denial of these requests could result in  
19    a miscarriage of justice.

20           5.     The additional time which is requested by this Stipulation  
21    is excludable in computing the time within which the trial herein  
22    must commence pursuant to the Speedy Trial Act, 18 U.S.C.  
23    §3161(h)(8)(A), considering the factors under 18 U.S.C. §§ 3161 (h)  
24    (1) , 3161(h)(8)(B)(I), 3161(h)(8)(B)(iv), and 3161 (h) (1) (f).

25           6.     The defendant has been informed of the necessity for  
26    and has consented to this Stipulation for a **FOURTH** extension of  
27    time for the filing of Pre-Trial Motions, Notices of Defense,  
28

Responses, and/or Optional Replies and the defendant consents thereto.

7. This is the **FOURTH** request for an extension of time for the filing of Pre-Trial Motions, Responses and Optional Replies thereto, and/or Notices of Defense and any responses or answers.

**ORDER**

**IT IS FURTHER ORDERED** that the parties may have up to and including the following dates for the filing of Pre-Trial Motions and Responses and Optional Replies and/or Notices of Defense and any accompanying responses or answers thereto.

**OPENING MOTIONS: NOVEMBER 30, 2016 at 4:00 p.m.**

**RESPONSES: JANUARY 6, 2017 at 4:00 p.m.**

**OPTIONAL REPLIES: JANUARY 11, 2017 at 4:00 p.m.**

**IT IS FURTHER ORDERED** that the parties shall be available at the Court's convenience for a hearing and/or telephone conference call in the event that the Court requires further clarification of any issue regarding this extension of time for the filing of Pre-Trial Motions, Notice of Defense, Responses, and/or Optional Replies and/or the status of any potential pre-trial disposition of this case.

**IT IS FURTHER ORDERED** that any further requests for extensions of time shall be considered only upon a showing of GOOD CAUSE and in consideration of the convenience of the Court, pursuant to the Speedy Trial Act and in conformance with Local General Order 2007-4.

Dated: October 19, 2016.

  
\_\_\_\_\_  
ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE